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## ENGROSSED HOUSE BILL No. 1221

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DIGEST OF HB 1221 (Updated February 23, 1998 9:32 pm - DI 93)

**Citations Affected:** IC 25-1; IC 25-6.1; IC 25-8; IC 25-9; IC 25-28.5; IC 30-2; noncode.

**Synopsis:** Professional licensing. Allows licenses to be issued for periods longer than two years if the law under which the license is issued specifically provides for such periods. Specifies that cheating on a licensing examination is grounds for disciplinary sanctions. Allows a licensing board to rescind the license of an applicant or practitioner who has engaged in fraud or material deception to obtain the license.  
(Continued next page)

**Effective:** July 1, 1998.

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**Bottorff, Cochran**  
(SENATE SPONSORS — MEEKS, LEWIS)

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January 13, 1998, read first time and referred to Committee on Commerce and Economic Development.  
January 22, 1998, amended, reported — Do Pass.  
January 28, 1998, read second time, made special order of business for January 29, 1998, at 1:30 p.m.  
January 29, 1998, reread second time, amended, ordered engrossed.  
January 30, 1998, engrossed.  
February 3, 1998, read third time, recommitted to a Committee of One, amended [motion 7]; recommitted to a Committee of One, amended [motion 6], passed. Yeas 93, nays 4.  
February 4, 1998, engrossed.

SENATE ACTION

February 9, 1998, read first time and referred to Committee on Public Policy.  
February 19, 1998, amended, reported favorably — Do Pass.  
February 23, 1998, read second time, amended, ordered engrossed.

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HE 1221—LS 6803/DI 93+



## Digest Continued

Requires individuals who seek to operate an auction house and individuals designated by an organization seeking to operate an auction house to obtain a license to operate the auction house, but species that an organization that operates a wholesale dealer automobile auction. Allows a person to apply to become a barber instructor if the person has five years of full-time experience as a barber. Requires applicants for a manicurist license that are licensed in another state to take the same examination that in-state applicants must take and score 75% or higher to pass. Allows the state board of cosmetology examiners to issue a license to act as an esthetician to a person who is licensed to act as an esthetician in another state or jurisdiction if the other state or jurisdiction imposes substantially similar requirements. Allows the state board of cosmetology examiners to count education hours and practice hours in another state as fulfillment of the education requirements of an esthetician license. Permits instead of requires the state boxing commission to adopt rules establishing the qualifications of applicants that apply to hold boxing matches. Removes fee requirements for licensure and licensure renewal that currently must be followed by the Indiana plumbing commission and requires the commission to establish the amount of the fees. Allows an individual who applies to the Indiana hypnotist committee before January 1, 1999: (1) to be certified without taking an examination if the individual has completed at least 300 hours of hypnotism education, or (2) to take the examination if the individual does not have the required hours of training if the individual has practiced hypnotism for at least 10 years or completed a hypnotism course before July 1, 1997.

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**HEA 2221-LS 6803/DI-93+**



Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE ENROLLED ACT No. 1221

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AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.147-1997, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2.1. **Rather than being issued annually**, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years **rather than issued annually: or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:**

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.

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- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home park licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.

SECTION 2. IC 25-1-5-3, AS AMENDED BY P.L.147-1997, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) There is established the health professions bureau. The bureau shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dental examiners (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Controlled substances advisory committee (IC 35-48-2-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20).



- (15) Indiana physical therapy committee (IC 25-27).
- (16) Respiratory care committee (IC 25-34.5).
- (17) Occupational therapy committee (IC 25-23.5).
- (18) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (19) Physician assistant committee (IC 25-27.5).
- (20) Indiana athletic trainers ~~certification~~ board (IC 25-5.1-2-1).
- (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- (22) Indiana hypnotist committee ( IC 25-20.5-1-7).

(b) Nothing in this chapter may be construed to give the bureau policy making authority, which authority remains with each board.

SECTION 3. IC 25-1-7-1, AS AMENDED BY P.L.147-1997, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dental examiners (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).



- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).**
- ~~(34)~~ **(35)** Any other occupational or professional agency created after June 30, 1981.

SECTION 4. IC 25-1-8-1, AS AMENDED BY P.L.147-1997, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dental examiners (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).



- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- ~~(22) Until July 1, 1996, Indiana state board of television and radio service examiners (IC 25-36-1).~~
- ~~(23)~~ **(22)** Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- ~~(24)~~ **(23)** Department of insurance (IC 27-1).
- ~~(25)~~ **(24)** State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under IC 25-30-2.
- ~~(26)~~ **(25)** Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- ~~(27)~~ **(26)** Private detectives licensing board (IC 25-30-1-5.1).
- ~~(28)~~ **(27)** Occupational therapy committee (IC 25-23.5-2-1).
- ~~(29)~~ **(28)** Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- ~~(30)~~ **(29)** Real estate appraiser licensure and certification board (IC 25-34.1-8).
- ~~(31)~~ **(30)** State board of registration for land surveyors (IC 25-21.5-2-1).
- ~~(32)~~ **(31)** Physician assistant committee (IC 25-27.5).
- ~~(33)~~ **(32)** Indiana athletic trainers ~~certification~~ board (IC 25-5.1-2-1).
- ~~(34)~~ **(33)** Board of podiatric medicine (IC 25-29-2-1).
- ~~(35)~~ **(34)** Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).**
- (36) Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-9-1, AS AMENDED BY P.L.147-1997, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dental examiners (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27-1).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers ~~certification~~ board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).

SECTION 6. IC 25-1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the ~~boards~~ **board** finds that:

- (1) a practitioner has:
  - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, **including cheating on a licensing examination;**
  - (B) engaged in fraud or material deception in the course of professional services or activities; or
  - (C) advertised services or goods in a false or misleading manner;
- (2) a practitioner has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;





(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended.

**(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).**

~~(b)~~ (c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under



subsection (a)(7).

SECTION 7. IC 25-5.1-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. "Athletic training" means the practice of prevention, recognition, assessment, management, treatment, disposition, and reconditioning of athletic injuries under the direction of a licensed ~~team medical doctor~~; **physician**, osteopath, podiatrist, or chiropractor. **However, in a clinic accessible to the general public, the term means practicing athletic training only upon the referral and order of a licensed physician, osteopath, podiatrist, or chiropractor.** The term includes the following:

- (1) Practice that may be conducted by an athletic trainer through the use of heat, light, sound, cold, electricity, exercise, **rehabilitation**, or mechanical devices related to the care and the conditioning of athletes.
- (2) The organization and administration of educational programs and athletic facilities.
- (3) The education and the counseling of the public on matters related to athletic training.

SECTION 8. IC 25-5.1-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. "Board" refers to the Indiana athletic trainers ~~certification~~ board established by IC 25-5.1-2-1.

SECTION 9. IC 25-5.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. The Indiana athletic trainers ~~certification~~ board is established.

SECTION 10. IC 25-5.1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. The board shall do the following:

- (1) Organize by electing a president, vice president, and secretary.
- (2) Adopt rules under IC 4-22-2 to do the following:
  - (A) Provide for the ~~certification~~ **licensure** of athletic trainers.
  - (B) Fix application fees, examination fees, and ~~certification~~ **licensure** fees.
  - (C) Establish standards for the practice of athletic training under this article.
  - (D) Establish standards for continuing education that conform with the standards of NATA.**
  - ~~(D)~~ **(E)** Otherwise implement this article.
- (3) Prescribe the application forms to be furnished to all persons seeking to be ~~certified~~ **licensed** under this article.
- (4) Prescribe the form and design of the ~~certificate~~ **license** to be



issued under this article.

(5) Conduct hearings, keep records of proceedings, and do all things necessary to properly administer and enforce this article.

(6) Publish and make available the following upon request and for a fee not to exceed the actual cost of printing and mailing:

(A) Requirements for issuance of an athletic trainer's ~~certificate~~ **license** under this article.

(B) Rules adopted under this article.

(7) Maintain and make available as required by IC 4-1-6 and IC 5-14-3 a register of each ~~certified~~ **licensed** athletic trainer in Indiana, including each ~~certified~~ **licensed** athletic trainer's last known address and the expiration date and identification number of the ~~certified~~ **licensed** athletic trainer's ~~certificate~~ **license**.

(8) Contract with the NATA board of certification to prepare, conduct, and score NATA's current professional examination as the qualifying examination for athletic trainers under this article.

SECTION 11. IC 25-5.1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) To qualify for a ~~certificate~~ **license** under this article, an individual must satisfy the following requirements:

(1) Satisfactorily complete an application for ~~certification~~ **licensure** in accordance with the rules adopted by the board.

(2) Pay the application fees, examination fees, and ~~certification~~ **licensure** fees established by the board.

(3) Be a resident of **or employed in** Indiana **for at least ninety (90) consecutive days before the date of application**.

(4) Not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently as determined by the board.

(5) Not have had disciplinary action taken against the applicant or the applicant's ~~certificate~~ **license** by the board or by the licensing agency of another state or jurisdiction by reason of the applicant's inability to safely practice athletic training with those reasons for discipline still being valid as determined by the board.

(6) Show to the satisfaction of the board that the applicant has received at least a baccalaureate degree from an institution of higher education that meets the academic standards for athletic trainers established by NATA and described in subsection (b).

(7) Except to the extent that section 6 of this chapter applies, successfully pass the qualifying examination adopted by the board as described in IC 25-5.1-2-6(8).

(b) The minimum academic standards for athletic trainers ~~certified~~

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**licensed** under this article as required under subsection (a)(6) include the satisfactory completion of an academic program that includes at least the following accredited courses:

- (1) Human anatomy.
- (2) Human physiology.
- (3) Physiology of exercise.
- (4) Kinesiology.
- (5) Personal health.
- (6) Basic athletic training.
- (7) Advanced athletic training.
- (8) Clinical experience as prescribed by the board.
- (9) Therapeutic ~~exercise and~~ modalities.

**(10) Rehabilitation.**

(c) The examination described in subsection (a)(7) shall be offered two (2) times during each calendar year.

SECTION 12. IC 25-5.1-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. Except as provided in section 3 of this chapter, the board shall issue a ~~certificate license~~ to an individual who:

- (1) meets the conditions set out in section 1 of this chapter; and
- (2) is otherwise qualified for ~~certification licensure~~ under this article.

SECTION 13. IC 25-5.1-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. The board may refuse to issue a ~~certificate license~~ to an applicant for ~~certification licensure~~ under section 1 of this chapter if:

- (1) the board determines during the application process that the applicant committed an act that would have subjected the applicant to disciplinary sanction under section 1(a)(5) of this chapter if the applicant had been:

(A) certified **before July 1, 1998; or**

(B) **licensed after June 30, 1998;**

in Indiana when the act occurred; or

- (2) the applicant has had a:

(A) certificate revoked under IC 25-1-1.1 **before July 1, 1998;**

**or**

(B) **license revoked under IC 25-1-1.1 after June 30, 1998.**

SECTION 14. IC 25-5.1-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) A ~~certificate license~~ issued by the board expires on a date established by the bureau under IC 25-1-5-4 in each even-numbered year.

- (b) An individual may renew a ~~certificate license~~ by paying a



renewal fee not later than the expiration date of the ~~certificate~~ **license**.

(c) If an individual fails to timely pay a renewal fee as required by subsection (b), the individual's ~~certificate~~ **license** becomes invalid without any action being taken by the board.

SECTION 15. IC 25-5.1-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) Except as provided in subsection (b), an individual whose ~~certificate~~ **license** has expired may have the ~~certificate~~ **license** renewed for not more than three (3) years after the date of expiration upon:

- (1) payment of all past due fees and a penalty fee set by the board; **and**
- (2) **submission of proof to the board that the individual has completed the number of hours of continuing education during the expired period that are required under standards adopted under IC 25-5.1-2-6(2)(D).**

(b) If an individual's ~~certificate~~ **license** has been expired for more than three (3) years, the individual must file a new application.

SECTION 16. IC 25-5.1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. If an individual who applies for a ~~certificate~~ **license** under this article meets any of the following conditions, the individual may be exempted from the examination requirement under section 1(a)(7) of this chapter by action of the board:

- (1) The individual is ~~certified~~ **licensed** to practice athletic training in another state if the other state's standards for ~~certification~~ **licensure** are at least equal to the standards for ~~certification~~ **licensure** in Indiana.
- (2) The individual is certified by NATA and is otherwise qualified for ~~certification~~ **licensure** under this article.
- (3) The individual is certified by an organization recognized by the National Commission on Competency Assurance and is otherwise qualified for ~~certification~~ **licensure** under this article.

SECTION 17. IC 25-5.1-3-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 7. This article does not prohibit the following:**

- (1) **The practice of an occupation or profession for which an individual is licensed, certified, or registered in Indiana by a state agency.**
- (2) **The practice of a health care occupation or profession by an individual who is practicing within the individual's education and experience.**



**(3) The performance of a first aid procedure incidental to an individual's employment or volunteer duties.**

**(4) The performance of an emergency first aid procedure by an individual.**

SECTION 18. IC 25-5.1-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. An individual may not use the title "~~certified~~ **licensed** athletic trainer" unless the individual is ~~certified~~ **licensed** under this article.

SECTION 19. IC 25-6.1-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) **This section does not apply to an organization that operates a wholesale dealer automobile auction.**

(b) Every person, ~~except an individual who is a licensed auctioneer,~~ before operating an auction house, must obtain a license from the commission for that auction house. ~~Notwithstanding the fact that an individual who is a licensed auctioneer has an interest in an organization, every organization seeking to operate an auction house must obtain a license for that auction house.~~

(c) **Except as provided in subsection (d), before applying for a license from the commission to operate an auction house, the following must obtain a license as an auctioneer as provided in section 2 of this chapter:**

**(1) An individual who seeks to operate an auction house.**

**(2) One (1) or more individuals designated by an organization that seeks to operate an auction house.**

**(d) Subsection (c) does not apply to:**

**(1) a person that holds a valid license for an auction house as of June 30, 1998; or**

**(2) a person that holds a valid renewal of a license described in subdivision (1).**

~~(b)~~ (e) Every applicant seeking to operate an auction house shall file with the commission a completed application on a form provided by the commission for a license for each auction house to be operated by that person. Each application shall be accompanied by the license fee prescribed by section 5 of this chapter and a surcharge described in IC 25-6.1-8-2.

~~(c)~~ (f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and may verify the information contained therein.

~~(d)~~ (g) If the commission determines that the application has been completed and that the statements made therein by the applicant are true, the commission shall issue a license, in such form as it may



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prescribe, for such auction house.

~~(e)~~ **(h)** Auction house licenses shall expire at midnight, February 28 of the next even-numbered year following the year in which the license is issued. A renewal license with a term of two (2) years shall be issued if an application is for a renewal license.

~~(f)~~ In any case in which ~~(by reason of the exception stated in subsection (a))~~ a licensed auctioneer who also operates an auction house or auction houses shall be exempt from the requirement that the auctioneer obtain a license under this section for such auction house or auction houses; such auctioneer shall, on February 28, 1978, or the date on which the auctioneer begins the operation of any auction house; whichever is later; notify the secretary of the commission, in a writing signed by the auctioneer, of the address of each auction house operated by the auctioneer and of the trade or business name by which each auction house is known. Whenever any licensed auctioneer to whom this subsection applies shall discontinue the operation of any auction house theretofore operated by the auctioneer; or shall change the address or trade or business name of any auction house operated by the auctioneer; the auctioneer shall promptly notify the secretary of the commission of the discontinuance or change; in a writing signed by the auctioneer.

SECTION 20. IC 25-6.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. ~~Failure to be Licensed:~~ (a) An individual may not act as an auctioneer without first having obtained and having in full force and effect the license required under this article.

(b) **Except as provided in IC 25-6.1-3-3, a** ~~A person (except a licensed auctioneer who shall have become exempt, by reason of compliance with the provisions of section 3 of chapter 3 of this article; from the auction house licensing requirements of this article)~~ may not operate an auction house without having obtained and having in full force and effect the license for ~~such~~ **the** auction house as required under this article.

(c) A person (except a person who shall have become exempt, by reason of compliance with the provisions of section 4 of chapter 3 of this article, from the auction company licensing requirements of this article) may not operate an auction company without first having obtained and having in full force and effect the auction company license required under this article.

(d) A person who **knowingly or intentionally** violates the provisions of this section commits a Class A misdemeanor.

SECTION 21. IC 25-8-4-2, AS AMENDED BY P.L.236-1995,



SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) If the board determines that:

- (1) a person possesses a valid license from another jurisdiction to perform acts that require a license under this article; and
- (2) the jurisdiction issuing the license imposes substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license;

the board may issue a license to perform those acts in Indiana to that person upon payment of the fee required under IC 25-8-13.

(b) This subsection applies only to applications for a cosmetologist license under IC 25-8-9. If the jurisdiction issuing the license does not impose substantially equal requirements as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed a minimum of one thousand (1,000) hours of education.

**(c) This subsection applies only to applications for a manicurist license under IC 25-8-11. Applicants for a manicurist license under this section must take the written examination described by section 8(2) of this chapter and score at least seventy-five percent (75%) on the examination.**

SECTION 22. IC 25-8-12.5-4, AS AMENDED BY P.L.197-1995, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) Subject to subsection (b) **and except as provided in section 7 of this chapter**, to receive a license issued under this chapter, a person must:

- (1) be at least eighteen (18) years of age;
- (2) have successfully completed the tenth grade or received the equivalent of a tenth grade education;
- (3) have successfully completed at least seven hundred (700) hours of instruction in the theory and practice of esthetics as a student in a cosmetology school;
- (4) have received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for esthetician license applicants prescribed by the board;
- (5) not have committed an act for which the person could be disciplined under IC 25-8-14; and
- (6) pay the fee set forth in IC 25-8-13-11 for the issuance of a license under this chapter.

(b) If an applicant demonstrates acceptable experience or knowledge in the theory and practice of esthetics, the board may waive





or modify the requirements of subsection (a)(3).

SECTION 23. IC 25-8-12.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 7. (a) If the board determines that:**

- (1) a person is licensed to:**
  - (A) act as an esthetician; or**
  - (B) perform acts of an esthetician that require a license under this article to be performed in Indiana; in a jurisdiction outside Indiana; and**
- (2) the jurisdiction in which the person is licensed imposes licensure requirements that are substantially equal to those imposed by Indiana;**

**the board shall issue to the person a license to act as an esthetician in Indiana upon payment of the fee required under IC 25-8-13.**

**(b) If the board does not issue a license under subsection (a) to a person with esthetician instruction or practice experience from another state or jurisdiction, to satisfy the instruction requirements of section 4(a)(3) of this chapter, the board shall approve a combination of:**

- (1) the person's instruction hours; and**
- (2) the person's licensed practice of esthetics in the other state or jurisdiction at the rate of one (1) year of licensed practice to one hundred (100) approved instruction hours if the person has completed at least four hundred (400) nonpractice hours of instruction.**

SECTION 24. IC 25-9-1-5, AS AMENDED BY P.L.236-1995, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 5. (a) Boxing and sparring matches or exhibitions for prizes or purses or where an admission fee is charged or received may be held in Indiana.**

**(b) The commission:**

- (1) has the sole direction, management, control, and jurisdiction over all boxing and sparring matches, semiprofessional elimination contests, or exhibitions to be conducted, held, or given in Indiana; and**
- (2) may issue licenses for those matches, contests, or exhibitions.**

**(c) A boxing or sparring match or an exhibition that is:**

- (1) conducted by any school, college, or university within Indiana; or**
- (2) sanctioned by United States Amateur Boxing, Inc.; or**
- (3) without a prize or purse;**



shall not be subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction in boxing, or other athletics.

(d) No boxing or sparring match, or exhibition, except as provided in this article, shall be held or conducted within Indiana except under a license and permit issued by the state boxing commission in accordance with the provisions of this chapter and the rules adopted under this chapter.

SECTION 25. IC 25-9-1-6, AS AMENDED BY P.L.236-1995, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) The commission **may**:

- (1) ~~may~~ cause to be issued by the Indiana professional licensing agency under the name and seal of the state boxing commission, an annual license in writing for holding boxing or sparring matches, semiprofessional elimination contests, or exhibitions to any person who is qualified under this chapter; and
- (2) ~~shall~~ adopt rules to establish the qualifications of the applicants.

(b) In addition to the general license, a person must, before conducting any particular boxing or sparring match, semiprofessional elimination contest, or exhibition where one (1) or more contests are to be held, obtain a permit from the state boxing commission.

(c) Annual licenses may be revoked by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who conducts a boxing or sparring match, semiprofessional elimination contest, or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

SECTION 26. IC 25-28.5-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 23. ~~(a)~~ The fees to be charged by and paid to the commission by licensees for all licenses and **license** renewals thereof ~~shall be as prescribed by this section shall be established by the commission under IC 25-1-8-2.~~

~~(b) A fee of fifteen dollars (\$15.00) shall accompany an application for examination as an individual plumbing contractor and in the event that the applicant successfully passes the examination, an additional fee of fifty dollars (\$50.00) shall be required for the issuance of the initial plumbing contractors license. If the applicant fails to pass the examination, or fails to appear at the examination, no refund of the fifteen dollars (\$15.00) examination fee may be made. A corporation seeking licensing under the provisions of this chapter shall pay at the~~



time of its initial licensing a fee of fifty dollars (\$50.00).

(c) A fee of ten dollars (\$10.00) shall accompany an application for examination as an individual journeyman plumber and in the event that the applicant successfully passes the examination, an additional fee of fifteen dollars (\$15.00) shall be required for the issuance of the initial journeyman plumbers license. If the applicant fails to pass the examination, or fails to appear at the examination, no refund of the examination fee may be made.

(d) A fee of fifty dollars (\$50.00) shall be paid to the commission for every initial licensing under section 34 of this chapter and every renewal of a plumbing contractor's license.

(e) A fee of fifteen dollars (\$15.00) shall be paid to the commission for every initial licensing under section 34 of this chapter and every renewal of a journeyman plumber's license.

SECTION 27. IC 30-2-13-33, AS AMENDED BY P.L.195-1997, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 33. (a) A seller may not sell or provide prepaid services or merchandise or a contract designed to provide a funding mechanism to be used in conjunction with the purchase of prepaid services or merchandise under this chapter without first obtaining a certificate of authority from the board. However, an employee of a seller is exempt from subsections (b) and (c).

(b) A seller who seeks a certificate of authority must submit a statement to the board that includes the following:

- (1) The seller's name and the address of the place of business.
- (2) Information considered necessary by the board to show evidence of the seller's good moral character, reputation for fair dealing in business matters, and lack of a criminal record.
- (3) The name, address, and Social Security number of each person authorized to directly represent the seller as an agent.
- (4) A statement by the seller notarized and affirmed under the penalties for perjury that all payments required under section 27 of this chapter have been made.

(c) Upon issuance, the certificate of authority shall be posted conspicuously in the seller's place of business.

(d) A seller holding a certificate of authority or an agent of a seller who engages in door-to-door solicitation shall present a copy of the certificate of authority upon entry onto the premises of a prospective purchaser.

(e) A certificate of authority issued under this chapter expires ~~January 1 of the next even-numbered year after issuance.~~ **annually on March 1.**



(f) The board may renew a certificate of authority upon receipt of an application for renewal that includes the information listed in subsection (b).

**SECTION 28. [EFFECTIVE JULY 1, 1998] (a) Notwithstanding IC 25-7-8-3(3), the application described in IC 25-7-8-2 must state that the applicant has successfully completed at least:**

**(1) nine hundred (900) hours of instruction in the theory and practice of instructor training as a student in a barber school; or**

**(2) five (5) years of full-time experience as a barber.**

**(b) This SECTION expires July 1, 2001.**

**SECTION 29. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 25-20.5-1-15, an individual who applies for certification to the Indiana hypnotist committee before January 1, 1999, may:**

**(1) be certified as a hypnotist without being required to take the examination if the individual has completed at least three hundred (300) supervised classroom hours of hypnotism education from a school that is approved by the Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana; or**

**(2) take the examination, notwithstanding the individual's failure to meet the requirements of IC 25-20.5-1-10(a)(1)(C), if the individual meets the other requirements under IC 25-20.5-1-10, and has had at least ten (10) years of continued experience in hypnotism or has completed before July 1, 1997, a course in hypnotism from a state approved school that included less than three hundred (300) classroom hours.**

**(b) This SECTION expires July 1, 2000.**

**SECTION 30. [EFFECTIVE JULY 1, 1998] (a) Notwithstanding IC 25-5.1, as amended by this act, an individual who holds a valid athletic trainer's certificate on June 30, 1998, is considered to hold a valid athletic trainer's license under IC 25-5.1, as amended by this act, after June 30, 1998. The individual need not reapply for a replacement license under IC 25-5.1, as amended by this act, and the certificate shall be treated as a valid license issued under IC 25-5.1, as amended by this act, until the certificate's expiration date.**

**(b) An athletic trainer's license described in subsection (a) expires on the date the athletic trainer's certificate would have**



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expired if the amendments to IC 25-5.1 by this act had not been enacted.

(c) **This SECTION expires July 1, 2000.**

SECTION 31. An emergency is declared for this act.

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